

REMARKS

In the non-final Office Action, the Examiner rejected claims 1, 4-7, 9-11, 14-17, 19, 20, 22, 26-28, 31-33, and 35-38 under 35 U.S.C. § 102(e) as anticipated by TUROK (U.S. Patent No. 6,243,373); and allowed claims 29, 30, and 34. Applicant respectfully traverses the rejection based on TUROK. Claims 1, 4-7, 9-11, 14-17, 19, 20, 22, and 26-39 remain pending.

Applicant notes with appreciation the indication that claims 29, 30, and 34 are allowable over the art of record.

With respect to claim 39, the Examiner stated "claim 39 was indicated allowable by examiner in previous office action; however, these claims are unpatentable in view of new arts. Therefore, these indicated claims are withdrawn" (Office Action, pg. 4). The Examiner did not, however, address the features of claim 39 under the 35 U.S.C. § 102 rejection based on TUROK. Applicant respectfully requests that the Examiner clarify the status of claim 39.

Claim 39 recites features similar to features recited in allowed claim 34. Therefore, Applicants request that the Examiner indicate that claim 39 is allowable for at least the reasons that claim 34 is allowable.

Claims 1, 4-7, 9-11, 14-17, 19, 20, 22, 26-28, 31-33, and 35-38 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by TUROK. Applicant respectfully traverses this rejection.

Independent claim 1, for example, recites an originating circuit-switched network for providing originating signals in response to voice input; an originating gateway

computer for converting the originating signals into digital data packets; a terminating gateway computer that accepts out of band signaling and converts the digital data packets into terminating signals; a terminating circuit-switched network for providing voice output in response to the terminating signals, and a packet-switched network for transmitting the digital data packets from the originating gateway computer to the terminating gateway computer. At least one of the originating and terminating gateway computers comprises a component for routing the digital data packets through the packet-switched network from the originating gateway computer to the terminating gateway computer. The terminating circuit-switched network is capable of providing first return signals to the terminating gateway computer in response to return voice input. The terminating gateway computer comprises a component for converting the first return signals into return packets of return digital data. At least one of the originating and terminating gateway computers comprises a component for routing the return packets through the packet-switched network from the terminating gateway computer to the originating gateway computer. The originating gateway computer comprises a component for converting the return packets into second return signals.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. Applicant respectfully submits that TUROK does not disclose or suggest the combination of features of Applicant's claim 1.

For example, TUROK does not disclose or suggest a terminating gateway computer that accepts out of band signaling and converts the digital data packets from the originating gateway computer into terminating signals. The Examiner continues to rely on col. 2, lines 9-12, and block 216 of Fig. 2 of TUROK for allegedly disclosing the terminating gateway computer (Office Action, page 2). Applicant submits that these sections of TUROK do not disclose, or even suggest, the recited terminating gateway computer.

At col. 2, lines 9-14, TUROK discloses:

The transmission of digital signals over the T1 carrier may be accomplished using time division multiplexing (TDM) wherein a high bandwidth communications link, such as a 1.544 Mbit/S T1 carrier, is divided into a number of lower bandwidth communication channels, such as 64 Kbit/S channels.

This section of TUROK merely describes the transmission of digital signals over a T1 carrier. This section of TUROK in no way discloses or suggests a terminating gateway computer that accepts out of band signaling and converts the digital data packets from the originating gateway computer into terminating signals, as required by Applicant's claim

1.

Block 216 in TUROK's Fig. 2 depicts a specialized switch with voice digital signal processing (DSP). TUROK discloses that specialized switch with voice DSP 216, also referred to as ITS node 216, receives signaling messages over Internet 214 from ITS node 206 and outdials a call through central office 218, PSTN 220, and central office 222 to a called station 204 (col. 6, line 66 to col. 7, line 17). TUROK does not disclose or

suggest that ITS node 216 accepts out of band signaling, as required by Applicant's claim

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The Examiner further alleged with respect to this feature that "[a]s above define of out-of-band signaling, Turok teaches the receiving out-of-band signaling at block 216 in Fig. 2, (col. 6, lines 48-51, the bridge paragraph between col. 6-7)" (Office Action, pg. 5). Applicant submits that this section of TUROK does not disclose, or even suggest, the recited terminating gateway computer.

At col. 6, lines 48-51, TUROK discloses:

This is accomplished by the specialized computer ITS node 206 initiating a series of signalling messages over the Global Internet 214 using the TCP/IP protocol.

This section of TUROK merely describes the transmission of signaling messages using the TCP/IP protocol. This section of TUROK in no way discloses or suggests a terminating gateway computer that accepts out of band signaling and converts the digital data packets from the originating gateway computer into terminating signals, as required by Applicant's claim 1. Moreover, the Examiner's definition of "out of band signaling" on page 4 of the Office Action in no way supports the Examiner's position that this section of TUROK discloses the terminating gateway computer recited in Applicant's claim 1.

Since TUROK does not teach every feature of the claimed invention either explicitly or impliedly, the rejection of claim 1 under 35 U.S.C. § 102(e) based on TUROK is improper.

For at least the foregoing reasons, Applicant respectfully requests that the rejection of claim 1 be reconsidered and withdrawn.

Claims 4-7, 9, 10, 26-28, and 31 depend from claim 1. Therefore, Applicant submits that these claims are not anticipated by TUROK for at least the reasons given above with respect to claim 1.

Independent claims 11, 22, and 38 recite features similar to the features described above with respect to claim 1. Therefore, Applicant submits that these claims are not anticipated by TUROK for reasons similar to the reasons given above with respect to claim 1.

Claims 14-17, 19, and 20 depend from claim 11. Applicant submits that these claims are not anticipated by TUROK for at least the reasons given above with respect to claim 11.

Claims 32, 33, and 35-37 depend from claim 22. Applicant submits that these claims are not anticipated by TUROK for at least the reasons given above with respect to claim 22.

In view of the foregoing remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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